REMARKS/ARGUMENTS

Claims 10-18, 21-30 and 32-36 are presented for the Examiner's consideration. Claims 1-9 have been canceled. (Claims 1-9 were previously indicated as being withdrawn from consideration; however, as they are directed to what the Examiner had labeled a non-elected invention sharing no generic or linking claim, the proper status of claims 1-9 is believed to be "Canceled".) Claims 19, 20, and 31 were previously canceled. Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 10-13, 15-18, 21-25, 27-30 and 32-36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (EP 661,960 B1). Applicants traverse for the following reasons.

First, the inventions of Miller and the present invention are entirely different in nature. Miller discloses "a disposable diaper closure system in which the fastening tape makes little noise when detached from the diaper." Page 2, lines 3-4. Thus, the Miller invention is directed to a closure system where the noise caused by separating the fastening tape from the frontal tape portion of the diaper is suppressed. Page 2, lines 32-33. The noise reduction is achieved by "a combination of a release agent to be coated in the surface of the frontal tape and a specific adhesive for the fastening tape." Page 2, lines 35-36. The basis weight of the release agent layer is 0.1 to 1.0 g/m2. Page 4, line 2.

In contrast, the present invention is a coated backsheet material as shown in at least FIG. 1 of the present application. The coated backsheet material is used to reduce the "rattling" or "rustling" sounds associated with certain polymeric materials, such as when a wearer is walking, so that others will be less aware that the wearer is wearing an incontinence or enuresis garment. Page 2, lines 1-10, and 26-28. In the present invention, the reduced-noise composite material 100 includes a substrate 101 and a noise reducing coating material 102. The substrate can be made of any material suitable for use in a disposable personal care device, including a polymeric substance. The coating reduces the noise of movement of the material itself – not, as is the case with Miller, the noise of a shearing or peeling apart of a tape fastener with a landing region. Miller makes no mention that either layer is capable of reducing the rattling noise of a backsheet.

Second, the Examiner states that it would be obvious to adjust the basis weight of 0.1 – 1.0 gsm of Miller to the at least 3 gsm of claim 10. Miller states at page 4, lines 1-3 that "[the] release agent solution is applied on one side of the frontal tape by a conventional means such a

gravure coater, or a roller coater. The amount to be applied is 0.1 to 1.0 g/m^2. After the application, any required curing treatment is carried out by a conventional curing means, such as heating or ultraviolet irradiation, depending on the components." It is entirely unclear whether such application methods or such curing methods are suitable for use with a coating layer of 3 gsm or more – which is more than 3 times the high end of the range of Miller. Applicants submit that it is improperly speculative to assume that the invention of Miller is workable at such high basis weights.

Third, the Examiner states that "the substrate material of the frontal tape is identical to the backsheet," and that, therefore, "the noise reducing layer could also be coated thereon instead of coating on a frontal tape substrate." Office Action, page 4. Applicants disagree. Miller's backsheet 2 employs "conventionally utilized [ ] materials for backsheets of disposable diapers …. For instance, a usual polyethylene film, a microporous polyethylene film, laminates of these films with nonwovens or the like can be used." Miller, page 3, lines 20-22. In contrast, Miller's tape substrate 9 of the reinforcing frontal tape 4 is made of a "conventional film such as an oriented polypropylene (OPP), e.g., biaxially oriented polypropylene (BOPP), or a non-oriented polypropylene film (CPP), or a polyester film (PET) is used." Thus, none of the numerous examples of each of the backsheet and the reinforcing frontal tape match each other. Applicants respectfully assert that the Examiner's statement and subsequent modification (to use the reinforcing frontal tape material as a backsheet material) would not be obvious to one of skill in the art.

Finally, with respect to claim 32, the Examiner notes that the article of Miller has a noise level of 53.3-66.3dB, and notes that the article of claim 32 requires a noise level of less than 30.0 at 2 kHz and less than 28.0 dB at 4 kHz. The Examiner then states that it would be obvious to modify Miller to achieve the claimed range. Applicants assert that not only would it not be obvious, but it would likely not be possible. Decibels are measured on a logarithmic scale. Every increase of 3 dB represents a doubling of loudness. Therefore, for example, 60 dB is over **1000 times louder** than 30 dB. It is improbable, and perhaps impossible, that one could simply "modify" Miller to achieve such a drastic reduction. To provide some relative context, 30 dB is akin to a quiet whisper in a library, while 53.3-66.3 dB encompasses the loudness level of such things as a sewing machine (55-65 dB), a typewriter (55-65 dB), a clothes dryer (56-58 dB), and a dishwasher (63-66 dB). It would obviously take a significant reduction of loudness of the peeling tapes of Miller to even remotely approach the range of

quietness necessary to function as a incontinence article backsheet – lest the wearer be as noisy as typewriter, a most certainly undesirable scenario.

For at least these reasons, one of skill in the art, starting with Miller, would most certainly not be led to Applicants' invention as claimed. It is respectfully submitted that the obvious rejection is in error, and all of the presently presented claims are believed to be in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

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